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REMARKS

Claims 1 to 20 are pending in this application. Claims 1, 10 and 15 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Claims 1, 3, 6 to 9, 13 to 15 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Clarke et al. (U.S. Publication Number 2004/0213284 hereinafter "Clarke").

Claim 1 is directed to a network device. The network device includes a data plane for transmitting data between an ingress port and an egress port and a control plane in communication with the data plane. The control plane includes a shared transmit/receive queue infrastructure configured to queue incoming multicast packets to be replicated on a per ingress port basis and to queue transmit packets. The control plane also includes a multicast processing engine in communication with the shared transmit/receive queue infrastructure. The multicast processing engine includes a circular replication buffer to facilitate multithreaded replication of multicast packets on a per egress virtual local area network (VLAN) replication basis.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, Clarke does not disclose or suggest a control plane that includes a shared transmit/receive queue infrastructure configured to queue incoming multicast packets to be replicated on a per ingress port basis and to queue transmit packets.

The Examiner, despite Applicants' previous arguments, indicates that elements 204 and 212 are the shared infrastructure based on broadest reasonable interpretation of the claim language. Applicants, when an Examiner makes this interpretation, may overcome the

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Examiner's rationale by arguing that the claim term is defined by Applicants. In particular, Applicants respectfully submit that an "applicant is entitled to be his or her own lexicographer" and "where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim" (emphasis added, see MPEP §2111.01 Part IV and Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301 (Fed. Cir. 1999)). "The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in the context in the specification" (emphasis added, see MPEP §2111.01 Part IV, Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc) and Vitronics Corp. v. Conceptronic Inc., 90 F.3d 1576, 1583 (Fed. Cir. 1996)).

Applicants have clearly defined that a single structure is used as both a transmit queue and a receive queue (see page 7, lines 9 to 23 of Applicants' specification) whereas Clarke clearly shows a separate transmit queue and a separate receive queue. Merely, combining Clarke's elements 204 and 212 as the Examiner has done does not disclose the shared transmit/receive queue infrastructure. For example, the shared transmit/receive queue infrastructure allows "queuing of input IP multicast packets on a per ingress port basis" and "sharing of the receive queue memory with the transmit queue memory 102 to provide multicast buffering capabilities" (see claim 1 and page 7, lines 21 to 23 of Applicants' specification). A combination of Clarke's elements 204 and 212 does not make any such disclosure. Therefore, Clarke does not disclose or suggest a shared transmit/receive queue infrastructure configured to

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queue incoming multicast packets to be replicated on a per ingress port basis and to queue transmit packets.

Claims 10 and 15 include a shared transmit/receive queue infrastructure corresponding to claim 1 for which the Examiner cites the Clark reference. Applicants submit that the Clarke reference should also be withdrawn with respect to claims 10 and 15 for at least the same reasons as claim 1.

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is submitted that this amendment places the application in condition for allowance or in better form for consideration on appeal, and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

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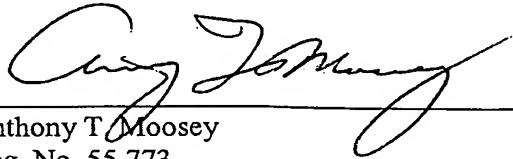Filed : December 30, 2003
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No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-051PUS.

Respectfully submitted,

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